



Oversight Committee Meeting Transportation Concurrency Analysis, State-Owned Facilities

**Wednesday, August 23, 2006, 12:00 a.m. – 2:00 p.m.
Puget Sound Regional Council, Conference Room, Seattle**

Meeting Notes

Committee Members in Attendance:

Sen. Mary Margaret Haugen
Sen. Joyce Mulliken
Jay Balasbas (representing Rep. Lynn Schindler)
Rep. Dean Takko

Rep. Beverly Woods
Rep. Alex Wood
Ashley Probart (AWC)
Julie Murray (WSAC)

Staff:

Brian Smith (WSDOT)
Elizabeth Robbins (WSDOT)
Eric Phillips (WSDOT)
Karena Houser (WSDOT)
Jason Beloso (WSDOT)
Ralph Wilhelmi (WSDOT)
Leonard Bauer (CTED)

Genevieve Pisarski (Senate Govt. Operations
Committee) – Call in
David Bowman (House Transportation Committee)
Joseph Backholm (Senate Republican Caucus)
Michael Groesch, (Senate Transportation Committee)
Kelly Simpson (Senate Transportation Committee)
Robin Rettew (OFM)

Audience:

Paul Parker (WSTC)
Kathleen Davis (WSDOT)

King Cushman (PSRC)
Jennifer Zeigler (OFM)

Brian Smith opened the meeting by welcoming everyone. Elizabeth Robbins summarized the results of the first meeting and introduced the day's discussion topics.

Eric Phillips continued by describing the tools available to mitigate local development impacts on state-owned transportation facilities. The group noted that capital facilities planning is important because good planning results in less need to mitigate development impacts on a project-by-project basis. Also, the limited time frames for the expenditure of mitigation payments define the types of mitigation projects that can be undertaken. Eric Phillips then summarized the state's access management policies and noted their importance for limiting the impacts of local land use decisions on state highways and preserving the safety of the system.

Next, the group reviewed the opportunities that currently exist for influencing local land use decisions. Elizabeth Robbins commented that the analysis will examine how well the state takes advantage of these opportunities. The committee indicated a desire to further discuss access management opportunities as well as conflicts under the transportation statutes.

Meeting Notes: Concurrency Oversight Committee Meeting #2 - August 23, 2006

Last Revised 9/5/06

Leonard Bauer provided an overview of CTED's role in the local land use process. He emphasized that CTED has found it most effective to provide technical assistance at the earliest stages of local policy and regulation development. Any issues that are not so resolved may result in formal written comments by CTED or other state agencies on proposed plans and development regulations. CTED may also appeal local decisions to the growth management hearings boards, although this process is not frequently used. CTED also coordinates state agency guidance and review, serves as a repository for compliance records, and provides training and mediation services for local governments and the tribes.

Elizabeth Robbins then described how WSDOT influences land use through the crafting of the Washington Transportation Plan and route development plans which are then used by local agencies and regional transportation planning organizations as a basis for their own plans and studies. The group discussed the inclusion of transit districts in local, regional and state planning and one committee member suggested that this might be a potential disconnect. Elizabeth Robbins continued by explaining how WSDOT reviews, comments, and requests mitigation through SEPA and noting that staff resources available for this task are limited. She indicated that when WSDOT requests mitigation it in most cases gets something; but the amount received is small compared to the cost of improvements. The group discussed the cumulative impacts of small projects and the fact that because mitigation payments are paid at the time of development, a transportation deficiency will always exist. Mary Margaret Haugen stated that she would like WSDOT to keep track and report when local governments do not collect the impact fees that WSDOT requests; so that when those local governments come to the legislature to ask for money, the legislature can see if the local governments have tried to fix the problem themselves.

Elizabeth Robbins reviewed how the certification processes of regional transportation planning organizations (RTPOs) influence local land use. She noted that there are no minimum requirements for the certification process and that a variety of practices exist. She also commented that because RTPOs are entities voluntarily created by their member jurisdictions, it is not easy for an RTPO to tell a local jurisdiction what they must do. Eric Phillips added that some RTPOs include counties fully planning under the Growth Management Act (GMA) and counties that are only required to plan for critical areas and resource lands. Joyce Mulliken requested WSDOT to report which jurisdictions' plans have not yet been certified.

Ashley Probart presented the local government perspectives expressed in the Puget Sound Regional Council (PSRC) study on the effectiveness of concurrency. He noted that at the time the study was undertaken, local expectations were low for any state funding of transportation projects. Also, concurrency was being practiced differently based on local governments' different views on how their communities should look. And local governments were also starting to move away from traditional ways of measuring levels of service and looking for better ways to apply concurrency to result in more rational planning and investment decisions. King Cushman added that since the study was completed, there has been a shift in local opinion. More communities are now indicating that changes to concurrency are needed because concurrency is not solving the problem as expected. There is a willingness to change but politically there are a lot of institutional barriers.

Due to time constraints, the group skipped over the US 2 case study materials and focused on identifying gaps in concurrency law. King Cushman noted that concurrency only applies to new development while the state has other transportation infrastructure problems, such as a \$60 billion shortfall in transportation infrastructure funding occurring largely on state-owned transportation facilities. He suggested that concurrency may not be a big enough tool to address these problems, noting that it is more effective as a planning tool than as a financing tool. Ashley Probart added that local governments cannot respond to concurrency failures by saying “no” to more people because they are required by the GMA to accommodate projected population growth.

The group also discussed different funding mechanisms for transportation improvements and whether they might be more equitable than development fees. The committee noted that smaller jurisdictions have more limited revenue options and that the tax structure encourages communities to seek new development because that type of revenue growth is not subject to the 1% limitation. Also, the committee expressed concerns that mitigation only addresses new growth, not pre-existing deficiencies. King Cushman noted that impact fees collected amount to less than 1% of the funds used to improve the transportation system. Leonard Bauer commented that although the committee has mostly discussed SEPA as a tool for mitigating the development impacts of projects, SEPA allows for the review and mitigation of the comprehensive plan itself. To the extent that WSDOT could pre-identify the possible impacts of a 20-year plan, it may help it determine a more standardized fee structure.

Next, the group addressed gaps in current practice including: the requirement that the state provide access to parcels abutting a state highway if they have no other access options, uncoordinated local and state planning, lack of a systematic process for WSDOT to review and respond to the information in local plans, and lack of criteria that could be used by local planners for red flagging land use decisions that might impact state-owned transportation facilities. Brian Smith cautioned that you can’t legislate common sense and that it is tough to legislate responsibility, noting that a good share of the responsibility for land use planning resides at the local level. One committee member suggested looking at how cities and counties work together as a template for how the state should work with cities and counties.

The committee also noted that whether because of lack of coordination or lack of political will, some local government land use decisions along state highways exacerbate traffic problems. Mary Margaret Haugen suggested that if local governments make those decisions, their transportation projects proposed for state funding should go to the bottom of the list. Ashley Probart noted that the state is so far behind on funding the transportation system improvements needed that Washingtonians may just need to accept and live with congestion. He also noted an additional gap: that cities under 22,500 do not control the maintenance of the state highways within their boundaries.

Elizabeth Robbins concluded the meeting by describing the next steps of the analysis that will lead into the discussion of the pros and cons of different policy options at the October meeting.

SUMMARY

Policy Options Identified for Further Analysis

- Identify ways to prioritize transportation funding based on whether local governments are working with the state to adopt planning practices that minimize impacts on state highways and mitigate the impacts that do occur
- Identify ways to encourage the state to provide earlier and more consistent input into the local planning process
- Identify changes that would allow existing mitigation tools such as SEPA or impact fees to be applied more effectively to state-owned transportation facilities
- Identify opportunities to mitigate land use impacts through better access management
- Identify ways to encourage local governments to do better land use and transportation planning as well as to more consistently red flag local land use decisions that might impact state-owned transportation facilities
- Reconsider time frames for transportation planning and the expenditure of mitigation funds

Additional Requests

- Consider conflicts under the transportation statutes
- Explore better ways to include transit districts in local, regional and state transportation planning
- Record and report when local governments do not collect the impact fees that WSDOT requests
- Report which jurisdictions' transportation elements have not yet been certified by an RTPO
- Consider looking at how cities and counties are working together as a template for how the state should work with cities and counties